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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,379	10/05/2001	Donghai Ma	100.247US01	5139

				EXAMINER
34206	7590	09/08/2005		YIMAM, HARUN M

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P.O. BOX 581339
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ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _05 October 2001_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final. ·

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-12_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-12_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner. ·

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____. ·

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _4/21/2003_.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Fijolek (US 6,058,421).

Considering claim 1, Fijolek discloses a provisioning method, comprising: associating a front end user access device (**CM** 16 in figure 1) to an internet service provider (column 6, lines 10-20 and column 12, lines 12-24); registering any secondary user access devices (**CPE** 18 in figure 1) behind the front end user access device to the internet service provider to which the front end user access device is associated (column 23, lines 5-16).

As for claim 2, Fijolek discloses that the registering secondary user access devices further comprises: assigning IP addresses to any secondary user access devices (**CPE 18** in figure 1) within a range of IP addresses associated with the ISP to which the front end user device is associated (column 16, lines 41-49 and column 23, lines 5-16).

With regards to claim 3, Fijolek discloses a method for providing open access on a per device level, comprising: assigning an internet protocol (IP) address to a user device (**CM 16** in figures 1) upon a request for provisioning (column 12, lines 12-23); assigning an IP address within a same range as the IP address for the user device to each of a plurality of CPEs (**CPE 18** in figure 1) behind the user access device (column 16, lines 41-49 and column 23, lines 5-16).

Regarding claim 4, Fijolek discloses that assigning an IP address comprises: determining an ISP of the device (column 23, lines 35-40); and assigning an IP address within an address range associated with the ISP (column 16, lines 41-49 and column 23, lines 5-16).

Considering claim 5, Fijolek discloses that assigning IP address within the same range comprises: determining the ISP to which the device is registered (column 23, lines 35-40), and assigning within a same range (column 16, lines 41-49 and column 23, lines 5-16).

As for claim 6, Fijolek discloses a method for provisioning open access on a per cable modem level, comprising: receiving an access request from a cable modem for access to a network (column 12, lines 12-24); assigning an internet protocol (IP) address to a cable modem (**CM 16** in figures 1) according to a subscription agreement with an internet service provider (ISP) (column 12, lines 12-23); and assigning separate

IP addresses to each of at least one customer provided equipment devices (**CPE 18** in figure 1) associated with the cable modem, wherein the separate IP address are within a range of IP addresses belonging to the ISP (column 16, lines 41-49 and column 23, lines 5-16).

With regards to claim 7, Fijolek discloses that assigning an IP address to the cable modem further comprises associating a media access control (MAC) address of the cable modem to the ISP (column 17, lines 55-60), and storing the MAC address at the ISP (column 21, line 56 – column 22, line 5).

Regarding claim 8, Fijolek discloses a method for provisioning open access on a per cable modem level, comprising: registering a cable modem user to an internet service provider (ISP) (column 6, lines 10-20); associating an IP address tied to the cable modem to the ISP (column 12, lines 12-24); connecting a user to the ISP using the cable modem (column 12, lines 12-36); and assigning IP addresses within a range of IP addresses associated with the ISP to any devices behind the cable modem (column 16, lines 41-49 and column 23, lines 5-16).

Considering claim 9, Fijolek discloses that the cable modem is tied to the ISP using a media access control address (column 17, lines 55-60).

As for claim 10, Fijolek discloses a machine readable medium comprising

machine readable instructions for causing a computer to perform a method (column 9,

lines 40-64), the method comprising: assigning an internet protocol (IP) address to a

cable modem (**CM 16** in figures 1) according to a subscription agreement with an

internet service provider (ISP) (column 12, lines 12-23); and assigning separate IP

addresses to each of at least one customer provided equipment devices (**CPE 18** in

figure 1) associated with the cable modem, wherein the separate IP address are within

a range of IP addresses belonging to the ISP (column 16, lines 41-49 and column 23,

lines 5-16).

With regards to claim 11, Fijolek discloses that the cable modem is tied to the

ISP using a media access control address (column 17, lines 55-60).

Regarding claim 12, Fijolek discloses a provisioning system, comprising: a

dynamic host configuration protocol (DHCP) server (66 in figure 2) (column 13, lines 62

– column 14, line 7) having a processor, a main memory, and a mass storage device

(column 8, lines 49-64 and column 9, lines 40-64); a trivial file transfer protocol server

(64 in figure 2 and column 8, lines 49-64); and a network connection (52 in figure 2);

wherein the DHCP server has stored thereon for operation in main memory by the

processor a machine readable medium comprising instructions for causing the DHCP

server to execute a method comprising: assigning an internet protocol (IP) address to a

cable modem (**CM 16** in figures 1) according to a subscription agreement with an internet service provider (ISP) (column 12, lines 12-23); and assigning separate IP addresses to each of at least one customer provided equipment devices (**CPE 18** in figure 1) associated with the cable modem, wherein the separate IP address are within a range of IP addresses belonging to the ISP (column 16, lines 41-49 and column 23, lines 5-16).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harun M. Yimam whose telephone number is 571-272-7260. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

HMY

HAI TRAN
PRIMARY EXAMINER